

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ARMIN WAND, III,

Plaintiff,

v.

LEONARD JOHNSON and  
BECKEY KRAMER,

Defendants.

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ORDER

18-cv-500-wmc

This case is proceeding to trial on May 23, 2022. Yesterday the court held a telephonic hearing to address the parties' objections to the court's May 4, 2022, order (dkt. ##360, 364), and plaintiff Armin Wand's motion for sanctions (dkt. #361). This order memorializes the court's rulings. As to defendants' objections, the court:

- **Overruled defendants' objections to the subpoenas for the appearances of Registered Nurses Jodie Eckert and Justin Enright.** These witnesses may not provide expert testimony with respect to whether the delay in sending Wand to the hospital caused his post-surgery complications, but they may testify based about their interactions with Wand specifically and their experiences handling appendicitis patients more generally. During the FPTC, the court will take up any motion related to the contours of their testimony, and the admissibility of the post-surgical complications more broadly.
- **Reserved on defendants' objections to the appearances of John Kussmaul and Jeremy McDaniel.** By Friday May 13, the parties shall

notify the court whether Kussmaul and McDaniels can independently recall their interactions with Wand on February 13, or whether like Sergeant Primmer, Kussmaul and/or McDaniels would only be able to confirm the information in the logbook or other records from that day.

- **Sustained defendants' objection to the appearance of Logan Lathrop** for the reasons explained during the hearing.
- **Overruled defendants' objection to the appearances of Nicole Loomis and Shawn Funk.** The clerk of court is directed to make arrangements with defense counsel for these two witnesses' videoconference testimony during the afternoon of May 23.

As to Wand's objections, the court:

- **Reserved on plaintiff's objection as to the appearance of Matthew Rieck.** Absent a showing by defendants on or before Friday, May 13, that Rieck has no independent recollection of his observations of Wand on February 13 and 14, 2018, the court will order his appearance via videoconference.
- **Sustained plaintiff's objection as to the testimony of inmate Andre Robinson.** The clerk of court is directed to make arrangements with Robinson's institution (Green Bay Correctional Institution) for his videoconference testimony during the afternoon of May 23 or morning of May 24.

- Overruled Wand's objections to the court's rulings as to proposed witnesses Joseph Belz, Annette Colsci, Jaclyn Patterson, Jamie Yerks, Hakim Nasser, Donald Gorshek, Marcellous Walker, Antwan Hopson and Anthony Heart.

Finally, Wand's motion for sanctions (dkt. #361) was DENIED for the reasons also explained during the hearing.

SO ORDERED.

Entered this 11th day of May, 2022.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge